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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DUSTON MILLER

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,
Defendants.

Case No. 2:21-cv-00203-KJD-EJY

**REPORT OF ATTORNEY GENERAL
RE: RESULTS OF 90-DAY STAY AND
REQUEST TO EXTEND THE STAY
UNTIL JANUARY 24, 2022—THE
BUSINESS DAY IMMEDIATELY
FOLLOWING THE SCHEDULED
JANUARY 21, 2022 COURT-
ORDERED (ECF NO. 9) MEDIATION**

In accord with a September 30, 2021 screening order (ECF No. 6) that requires the “Attorney General’s Office [to] advise the Court within 21 days of the date of the entry of this order whether it will enter a limited notice of appearance on behalf of Defendants for the purpose of settlement” (ECF No. 6 at 16), the Office of the Attorney General (OAG), by and through Aaron D. Ford, Attorney General for the State of Nevada, and Alexander J. Smith, Deputy Attorney General for the State of Nevada, entered (ECF No. 8) a limited notice of appearance on October 21, 2021, on behalf of Defendant Justin Gordon—solely for the purpose of settlement discussions.

The screening order stays this action for ninety days (expiration date of December 30, 2021). Further, the order states that:

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The Court will refer this case to the Court's Inmate Early Mediation Program, and the Court will enter a subsequent order. Regardless, on or before 90 days from the date this order is entered, the Office of the Attorney General will file the report form attached to this order regarding the results of the 90-day stay, even if a stipulation for dismissal is entered prior to the end of the 90-day stay. If the parties proceed with this action, the Court will then issue an order setting a date for Defendants to file an answer or other response. Following the filing of an answer, the Court will issue a scheduling order setting discovery and dispositive motion deadlines.

(ECF No. 15 at 6)

Gordon and the OAG hereby inform the court that no mediation with a court-appointed mediator occurred during the stay, but an October 21, 2021 order (ECF No. 9) establishes a mediation on January 21, 2022 via video conference with Mr. Kevin D. P. Kampschror, Esq. (ECF No. 9 at 1)

Because the mediation order (ECF No. 9) does not extend the ninety-day stay, the stay *automatically* expires tomorrow absent judicial intervention; Gordon and the OAG respectfully request that the court extends the stay until the business day following the mediation, which will set a new stay expiration date of *January 24, 2022*.

DATED this 29th day of December, 2021.

AARON D. FORD
Attorney General

By: /s/ Alexander J. Smith
ALEXANDER J. SMITH (Bar No. 15484)
Deputy Attorney General

Attorneys for Defendants

ORDER

IT IS ORDERED that the stay is extended until January 24, 2022.
NUNC PRO TUNC December 30, 2021


UNITED STATES DISTRICT JUDGE